

Minutes of the Board of Adjustment meeting held on Monday, February 11, 2013, at 5:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Roger Ishino, Chair
Travis Nay, Vice-Chair
Tom Halliday
Tim Tingey, Administrative & Development Services Director
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: Rosi Haidenthaller
Preston Olsen

The Staff Review meeting was held from 5:15 to 5:30 p.m. The Board of Adjustment members briefly reviewed the applications. An audio recording is available for review in the Community & Economic Development office.

Roger Ishino explained that variance requests are reviewed on their own merit and must be based on some type of hardship or unusual circumstance for the property and is based on state outlined criteria, and that financial issues are not considered a hardship.

APPROVAL OF MINUTES

Mr. Nay made a motion to approve the minutes from December 10, 2012 as submitted. Ms. Halliday seconded the motion.

A voice vote was made. The motion passed, 3-0.

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

YOSHIKAZU KONO – 559 East Virginia Street – Project #13-07

Yoshikazu Kono was the applicant present to represent this request. Tim Tingey reviewed the location and request for an addition onto a nonconforming single family dwelling and a variance for side yard setback for the property addressed 559 East Virginia Street. Murray City Code Section 17.100.080 states: "Residential building lots in the R-1-8 zone shall meet a minimum side yard of 8 ft. and the two required side yards shall total 20 ft. The minimum depth of the front yard shall be 25 ft." Murray City Code 17.52.040 allows for a building or structure occupied by a nonconforming use, or a building nonconforming as to height, area, or yard regulations to be added to, enlarged or moved to another location on the lot subject to authorization by the Board of Adjustment. The applicant is requesting Board of Adjustment approval for a 960 sq. ft. building addition onto the back of the dwelling. The existing dwelling is nonconforming to the current ordinance requirements for side yards setbacks in the R-1-8 zone. The applicant proposes to decrease the setback with the addition of insulation and siding in conjunction with the proposed addition. The R-1-8 zone requires 20 ft. total side yards setback and 8 ft. minimum side yard on one side, whereas the applicant's plans show a 7 ft. 3 in. side yard setback on one side and total side yards of approximately 15 ft. The addition will comply with the minimum 15 ft. rear yard setback and total lot coverage regulations. A public notice was sent to the adjoining property owners on January 29, 2013. As of the date of this report, no public comment has been received. Based on review and analysis of the application materials, subject site and surrounding area, and

applicable Murray Municipal Code sections, the Community and Economic Development Staff finds that the proposal meets the standards for a variance. Therefore, staff recommends approval of the variance subject to a condition that the applicant obtain a building permit prior to construction and the proposed addition comply with applicable building and fire codes.

Also, based on review and analysis of the application material, subject site and surrounding area, and applicable Murray Municipal Code sections, the Community and Economic Development Staff finds that the proposal meets the standards for an expansion/alteration of a nonconforming use or development. Therefore, staff recommends approval of the expansion of a nonconforming use.

Mr. Ishino noted the applicant had just arrived.

Mr. Halliday asked Mr. Tingey if there would be an issue with fire department codes. Mr. Tingey responded that the fire department will have a review through the building permit process and the applicant will need to adhere to any other fire codes related to the interior of the building.

Yoshikazu Kono, 559 East Virginia Street stated the building has been this way since it was built, before they purchased the property. The hardship is in the addition of a 6 in. exterior wall.

The meeting was opened for public comment. No comment was made and the public comment section was closed.

Mr. Nay made a motion to approve the a variance and expansion/alteration of a nonconforming use and side yard variance at the property addressed 559 East Virginia Street, subject to the following condition:

1. The applicant shall obtain a building permit prior to construction and the proposed addition shall comply with applicable building and fire codes.

Mr. Halliday seconded the motion.

Vote recorded by Mr. Tingey.

A _____ Mr. Ishino

A _____ Mr. Nay

A _____ Mr. Halliday

Motion passed, 3-0.

Mr. Halliday made a motion to approve the Findings of Fact as prepared by staff. Mr. Nay seconded the motion.

A voice vote was taken. Motion passed, 3-0.

OTHER BUSINESS

Mr. Ishino made a recommendation to postpone the election of officers for the Board of Adjustment for 2013 until the next meeting due to the absence of Mr. Olsen and Ms. Haidenthaller. All Board members in attendance were in agreement.

Meeting adjourned.

A handwritten signature in black ink, appearing to be 'CW', with a horizontal line drawn underneath it.

Chad Wilkinson, Manager
Community & Economic Development